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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,080	12/29/2000	Robert J. Duncan	061473 0270172	3507

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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,080

Applicant(s)

DUNCAN ET AL.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 2, 4-8 and 10-12 are subject to examination. Claims 3 and 9 have been cancelled.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/10/2005 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 2, 4-8 and 10-12 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970), and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1 , 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1,2, 4-8, and 10-12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/752112. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application claims a method and apparatus for implementing a general remote procedure call while the current application claims a nearly identical method and apparatus for implementing Java remote method invocation, a specific type of remote procedure call.

This is a nonprovisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1, 2, 5-8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (hereinafter Moore) US 6,282,581 in view of Katsube et al. (hereinafter Katsube)(US 6, 341, 127).

Referring to claim 1,

Moore teaches a method for classifying a remote method invocation from a client system that initiates connections to a remote server object using a client and underlying remote method invocation transport code, the method comprising:

detecting when a connection carrying high value data for the remote method invocation is to be created on a communication channel (col. 5 lines 21-25);

using a custom socket factory to obtain flow information associated with the detected connection, and to generate a socket therefore, the socket having a socket number associated therewith; (col. 10. lines 48-53, col. 17, line 8-20);

The limitation 'high value data' is interpreted to mean all RMI connection traffic between the client and server that makes a call to the stub. This is consistent with the applicant's definition.

Moore does not explicitly teach the method of claim 1, wherein the flow information is communicated to a classifying router prior to establishment of connection using a side channel, different from the communication channel and incorporating this flow information into a differentiated services classification subsystem of the classifying router to enable proper classification of the remote method invocation.

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Katsube teaches in col. 9, line 66-col.10 line 16, "When it is judged that it is permitted to process the received LSP set up request message as a result of the above described comparison of the message source information (and the CoS value if necessary) contained in the received message with the policy table, next at the step S2 of FIG. 3, the boundary router 1012 inquires the resource management unit 4010 as to whether it is possible to secure necessary network resources such as label (and bandwidth if necessary) or not, so as to judge whether it is possible to accept this LSP set up request. When it is judged that it is possible to accept this LSP set up request, either a message indicating the acceptance of the LSP set up request (which contains an information on a label assigned to the requested stream, etc.) is returned to the boundary router 1021, or the similar LSP set up request message is transmitted from the control message processing unit 4006 to a next hop (downstream) router (such as a router 1015 in the exemplary case shown in FIG. 1) for the requested stream." And in col. 15, line 14-22, "Here, similarly as in the second exemplary case, the packet stream can be defined by either one or both of an information regarding a source of data packets (source host address, or source network address, or a set of source host address, a protocol and a port number, etc.) and an information regarding a destination of data packets (destination host address, or destination network address, or a set of a destination host address, a protocol and a port number, or an exit router of some routing domain, etc.)." Thus, Katsube teaches a boundary router's capabilities including "whether it is possible to secure necessary network resources such as label (and bandwidth if necessary) or not,

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so as to judge whether it is possible to accept this LSP set up request" based on class of service and information provided by the source of data packet. Thus, Katsube teaches "wherein the flow information is communicated to a classifying router prior to establishment of connection using a side channel, different from the communication channel and incorporating this flow information into a differentiated services classification subsystem of the classifying router to enable proper classification of the remote method invocation.

Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the capabilities of Katsube's boundary router to the "network " of Moore as Moore is in need of "a particular QoS requirement" and "Application can have separate implementations based on QoS parameters (e.g., a secure implementation, a non-secure implementation)." This will allow in the router device, a, policy information indicating a permitted starting point of a label switching path is stored, and a request message that contains a starting point information indicating a starting point node/network of the requested label switching path and a stream information indicating a desired packet stream to be transferred through the requested label switching path is received. Then, whether or not to permit the set up of the requested label switching path is judged by comparing the starting point information contained in the request message with the stored policy information, and the requested label switching path through the router device for the desired packet stream indicated by the stream information contained in the request message is set up when the set up of the requested label switching path is judged as permitted.

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Referring to claim 2,

Moore teaches the method of claim 1, further including that the detection module provides a stub to calling applications that executes an RMI routine when called by an application (Col. 8 lines 54-63,. Col. 9 lines 1-4).

Referring to claim 5,

Keeping in the teachings of Moore as stated above, Moore fails to explicitly teach using the flow information to determine a differentiated service classification for the connection; and marking traffic delivered to the connection by the classified router on the classification.

Katsube teaches in col. 9, line 66-col.10 line 16, "When it is judged that it is permitted to process the received LSP set up request message as a result of the above described comparison of the message source information (and the CoS value if necessary) contained in the received message with the policy table, next at the step S2 of FIG. 3, the boundary router 1012 inquires the resource management unit 4010 as to whether it is possible to secure necessary network resources such as label (and bandwidth if necessary) or not, so as to judge whether it is possible to accept this LSP set up request. When it is judged that it is possible to accept this LSP set up request, either a message indicating the acceptance of the LSP set up request (which contains an information on a label assigned to the requested stream, etc.) is returned to the boundary router 1021, or the similar LSP set up request message is transmitted from the control message processing unit 4006 to a next hop (downstream) router (such as a router 1015 in the exemplary case shown in FIG. 1) for the requested stream."

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And in col. 15, line 14-22, "Here, similarly as in the second exemplary case, the packet stream can be defined by either one or both of an information regarding a source of data packets (source host address, or source network address, or a set of source host address, a protocol and a port number, etc.) and an information regarding a destination of data packets (destination host address, or destination network address, or a set of a destination host address, a protocol and a port number, or an exit router of some routing domain, etc.)." Thus, Katsube teaches a boundary router's capabilities including "whether it is possible to secure necessary network resources such as label (and bandwidth if necessary) or not, so as to judge whether it is possible to accept this LSP set up request" based on class of service and information provided by the source of data packet.

Thus, Katsube teaches using the flow information to determine a differentiated service classification for the connection; and marking traffic delivered to the connection by the classified router on the classification.

Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the capabilities of Katsube's boundary router to the "network " of Moore as Moore is in need of "a particular QoS requirement" and "Application can have separate implementations based on QoS parameters (e.g., a secure implementation, a non-secure implementation)." This will allow in the router device, a, policy information indicating a permitted starting point of a label switching path is stored, and a request message that contains a starting point information indicating a starting point node/network of the requested label switching path and a stream information indicating a desired

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packet stream to be transferred through the requested label switching path is received. Then, whether or not to permit the set up of the requested label switching path is judged by comparing the starting point information contained in the request message with the stored policy information, and the requested label switching path through the router device for the desired packet stream indicated by the stream information contained in the request message is set up when the set up of the requested label switching path is judged as permitted.

Referring to claim 6,

Keeping in the teachings of Moore as stated above, Moore fails to explicitly teach detecting an identity of the client making the remote method invocation, the flow information further containing this detected identity.

Katsube teaches in col. 9, line 66-col.10 line 16, "When it is judged that it is permitted to process the received LSP set up request message as a result of the above described comparison of the message source information (and the CoS value if necessary) contained in the received message with the policy table, next at the step S2 of FIG. 3, the boundary router 1012 inquires the resource management unit 4010 as to whether it is possible to secure necessary network resources such as label (and bandwidth if necessary) or not, so as to judge whether it is possible to accept this LSP set up request. When it is judged that it is possible to accept this LSP set up request, either a message indicating the acceptance of the LSP set up request (which contains an information on a label assigned to the requested stream, etc.) is returned to the boundary router 1021, or the similar LSP set up request message is transmitted from the control

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message processing unit 4006 to a next hop (downstream) router (such as a router 1015 in the exemplary case shown in FIG. 1) for the requested stream.” And in col. 15, line 14-22, “Here, similarly as in the second exemplary case, the packet stream can be defined by either one or both of an information regarding a source of data packets (source host address, or source network address, or a set of source host address, a protocol and a port number, etc.) and an information regarding a destination of data packets (destination host address, or destination network address, or a set of a destination host address, a protocol and a port number, or an exit router of some routing domain, etc.).” Thus, Katsube teaches a boundary router’s capabilities including “whether it is possible to secure necessary network resources such as label (and bandwidth if necessary) or not, so as to judge whether it is possible to accept this LSP set up request” based on class of service and information provided by the source of data packet.

Thus, Katsube teaches detecting an identity of the client making the remote method invocation, the flow information further containing this detected identity.

Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the capabilities of Katsube’s boundary router to the “network “ of Moore as Moore is in need of “a particular QoS requirement” and “Application can have separate implementations based on QoS parameters (e.g., a secure implementation, a non-secure implementation).” This will allow in the router device, a, policy information indicating a permitted starting point of a label switching path is stored, and a request message that

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contains a starting point information indicating a starting point node/network of the requested label switching path and a stream information indicating a desired packet stream to be transferred through the requested label switching path is received. Then, whether or not to permit the set up of the requested label switching path is judged by comparing the starting point information contained in the request message with the stored policy information, and the requested label switching path through the router device for the desired packet stream indicated by the stream information contained in the request message is set up when the set up of the requested label switching path is judged as permitted.

Referring to claim 7,

Claim 7 is a claim to an apparatus that carries out the method of claim 1. Therefore claim 7 is rejected for the reasons set forth for claim 1.

Referring to claim 8,

Claim 8 is a claim to an apparatus that carries out the method of claim 2. Therefore claim 8 is rejected for the reasons set forth for claim 2.

Referring to claim 11,

Claim 11 is a claim to an apparatus that carries out the method of claim 5. Therefore claim 11 is rejected for the reasons set forth for claim 5.

Referring to claim 12,

Claim 12 is a claim to an apparatus that carries out the method of claim 6. Therefore claim 12 is rejected for the reasons set forth for claim 6.

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7. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Katsube applied to claim 1 and further in view of Wiess (US 6, 681, 156).

Referring to claim 4,

Keeping in mind the teachings of the references Moore and Katsube as stated in claim 1, both of these references fail to explicitly teach wherein the side channel is implemented as a Java servlet.

Wiess teaches at page , para.[0080], "The PCs 38, 40 may employ, for example, CGI-scripts or Java Servlet for communications."

Therefore, it would have been obvious to implement the side channel as a Java servlet in the current invention because doing so would result in a platform independent module that could be used in a variety of network equipment.

Referring to claim 10,

Claim 10 is a claim to an apparatus that carries out the method of claim 4. Therefore claim 10 is rejected for the reasons set forth for claim 4.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially

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teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp

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